

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

GETTY IMAGES, INC., a Delaware
Corporation,

Plaintiff,

vs.

ROXANNE MOTAMEDI, an individual,

Defendant.

Case No. 2:16-cv-1892

DECLARATION OF DAWN AIREY IN
SUPPORT OF PRELIMINARY
INJUNCTION

1. My name is Dawn Airey. I have been the Chief Executive Officer of Plaintiff Getty Images, Inc. (“Getty Images”) since October 12, 2015. In this role, I am responsible for overseeing Getty Images’ global operations and working alongside Getty Images Co-Founder and Chairman, Jonathan Klein, as well as its Board of Directors in leading the company into its next phase of growth in the visual media industry. I am over 18 years of age, am competent to testify, and have personal knowledge of the facts set forth herein.

2. I have known Defendant Roxanne Motamedi since October 15, 2015, when I met her three days after joining Getty Images as its new CEO. Since joining Getty Images, I have worked hard to create an open and transparent working relationship with Ms. Motamedi, especially as her business unit and industry relationships are critical to our success as a company.

3. One of the key things that attracted me to Getty Images was its very strong culture. That culture was and is underpinned by an ethos embodied in its Leadership Principles, which are included in the Company’s Resource Guide and are: Be trustworthy, transparent and

DECLARATION OF DAWN AIREY - 1

1 open; Obligation to care; Lead by example; Raise the bar; Bring solutions; One voice; and No
2 silos. See Declaration of Anne Hatcher (“Hatcher Decl.”)(Dkt. 8), ¶ 4

3 4. As the new CEO it was critical to me to lead by example, and foster an
4 environment where these principles were just not words on a page, but rather true guiding
5 principles that provided a North Star for all of our actions and decisions. While all of the
6 Leadership Principals are important, the most critical, in my opinion, for credibility as a
7 leadership team is that of “Be trustworthy, transparent and open.” From Day 1, I emphasized
8 that in all communications, decisions, and interactions, this was to be central – especially for our
9 Senior Leadership Team, of which Ms. Motamedi was a member.

10 5. In building my relationship with Ms. Motamedi with these principles in mind, I
11 established regular check-ins, directly and indirectly, on how things were progressing in our
12 Entertainment business. Ms. Motamedi’s direct supervisor, Marc Kurschner, reported directly to
13 me with respect to our Entertainment business and we see each other regularly as we both work
14 out of the New York office. In addition, I met with Ms. Motamedi and spoke with her regularly,
15 maintaining an open dialogue with her at all times.

16 6. As I was new to Getty Images, it was important to me to establish rapport with
17 our leaders, understand the strengths and weaknesses of our business, and develop a
18 comprehensive strategy as we looked to build an ongoing and sustainable future for Getty
19 Images. I set an expectation early-on with the entire Senior Leadership Team of receiving and
20 delivering frank and candid information about customers, contributors, partners, employees and
21 strategies, and that I expected honesty, transparency and commitment from our Senior
22 Leadership Team. Again, I emphasized the need for trust and transparency.

23 7. In the Spring of 2016, I reached out to Ms. Motamedi to discuss some rumors that
24 she was unhappy in her role at Getty Images and unsure of her future. I informed her it had been
25 brought to my attention that she was unhappy and potentially looking elsewhere for employment.
26 In that conversation, Ms. Motamedi assured me that, whilst having spoken to Shutterstock and
27 SilverHub, she had no intention of working for either company, that she was loyal to Getty
28 Images, and committed to building our business.

DECLARATION OF DAWN AIREY - 2

1 8. During the course of this litigation, I have been made aware of and reviewed
2 communications between Ms. Motamedi and Mr. Evans-Lombe, the former COO of Getty
3 Images and now a principal at SilverHub Media. Those communications span from early 2015
4 through and beyond the termination of her employment and evidence an ongoing plan to
5 establish a partnership for the purpose of competing directly with Getty Images in direct contrast
6 to her repeated assurances to me, her supervisor and other colleagues at Getty Images. For
7 example, in one such text message to Mr. Evans-Lombe in March, 2016, she writes: "Great to
8 talk. Think about what might work. I think we can do something exciting and lucrative." It was
9 shocking to me to learn that Ms. Motamedi had flat out lied to me. As a Chief Executive, it is a
10 fact of life that senior management leave to join competitors from time to time. It is a
11 completely different matter for an executive to set-up a competing venture, while on the payroll
12 of its current employer, telling bold-faced lies and stealing company secrets.

13 9. As part of our comprehensive strategy to build a consumer business for Getty
14 Images, on August 15, 2016, I announced the appointment of Steve Grimes as our SVP of
15 Consumer Media. I had several conversations with Ms. Motamedi about this appointment prior
16 to the announcement as it was important for the success of this role to have the full support of
17 our Editorial Leadership Team, which included Ms. Motamedi. On August 8, 2016, I met with
18 Ms. Motamedi to inform her that I had made the decision to hire Mr. Grimes. She assured me
19 she was committed to remain with Getty Images and that she was excited to work with Mr.
20 Grimes. She seemed to be genuinely enthused by the possibilities of their future collaboration.
21 In that meeting, Ms. Motamedi also stated that she had, of course, been approached by
22 SilverHub, as Nick Evans-Lombe was a friend. She asked me, rhetorically, "why would I go to
23 SilverHub when I work for Getty Images?" She made every effort to clarify that she would not
24 work for and was not going to join SilverHub.

25 10. In reviewing documents produced by Ms. Motamedi in this litigation, I have
26 learned that Ms. Motamedi lied to me in that conversation and on that same day communicated
27 with Mr. Evans-Lombe to share not only the substance of our conversation (a conversation I had
28 in confidence with Ms. Motamedi) but also plans to take customers, photographers and
DECLARATION OF DAWN AIREY - 3

1 employees from Getty Images. I was shocked to read her description of our conversation,
2 including the assurances she had provided me about her commitment to working with the
3 Company, then reading the following paragraph, where she appeared to be negotiating her
4 position at SilverHub, “Working for SHM, my title should be Head of Ent and new media
5 content.”

6 11. Further, I was shocked at the extent of confidential information shared by Ms.
7 Motamedi with Mr. Evans-Lombe. In her emails to him she references employees’ salaries with
8 the clear intent to coax Mr. Evans-Lombe to better their circumstances. These email exchanges
9 were occurring three months *before* Ms. Motamedi resigned, while she was actively managing
10 these employees and had ultimate responsibility for their pay. Had she deemed these employees
11 to be valuable to running our business, it is my communicated expectation that she advocate for
12 the appropriate level of compensation for members of her team. Notwithstanding, she remarks to
13 Mr. Evans-Lombe that one of the employees is “grossly underpaid.” As that individual’s
14 ultimate manager, she is responsible for addressing compensation issues. She has never, in any
15 conversation with me, indicated that this individual or any person on her team, is “grossly
16 underpaid.” I can only surmise that she shared this information for the purpose of undermining
17 Getty Images’ business.

18 12. On September 4, 2016, I learned that Ms. Motamedi’s mother had suffered a
19 stroke. I immediately reached out to Ms. Motamedi to express my concern and offer my and the
20 Company’s support. Ms. Motamedi and I exchanged numerous emails over the course of the
21 next few days and weeks as her mother recuperated in New York, where Ms. Motamedi had
22 relocated temporarily to care for her mother.

23 13. Given this significant event, it was not surprising to me when on Friday, October
24 7, 2016, I met with Ms. Motamedi at my office in New York and she informed me of her intent
25 to leave Getty Images. She was understandably concerned for her mother and our conversation
26 was focused on her mother’s condition for some time. I then asked her if she had had any
27 thoughts as to her next steps, professionally, and she responded No, she was focused on looking
28 after her mother.

DECLARATION OF DAWN AIREY - 4

SEBRIS BUSTO JAMES
14205 S.E. 36th Street, Suite 325
Bellevue, Washington 98006
Tel: (425) 454-4233 – Fax: (425) 453-9005

1 14. Later that evening, I sent a follow-up email to Ms. Motamedi, reiterating my hope
2 that she would reconsider her decision. I conveyed, in earnest, that I did not want to lose her
3 from our team. I suggested we initiate a conversation with Steve Grimes, to explore other
4 opportunities within the Company.

5 15. On October 12, Ms. Motamedi responded to my emails to let me know that she
6 was discussing the points we discussed with her husband.

7 16. On October 15, Ms. Motamedi confirmed her decision to leave Getty Images. I
8 asked her directly what her intentions were professionally, and she repeated that she had no plans
9 but intended to focus on her mother. I reached out to Ms. Motamedi roughly one week later, and
10 arranged to meet her on Friday, November 4, 2016 in New York City. Over lunch I once again
11 inquired about her professional plans and she, once again, stated that she was not going to work
12 for SilverHub. She told me that she was interested in working in social media and asked if I
13 could help her with introductions to Facebook, with whom Getty Images has a successful
14 partnership. I had no idea at the time, that the introduction to Facebook Ms. Motamedi sought
15 was directly in service of her plans with Mr. Evans-Lombe to find, “who is the closest to her
16 [Sheryl Sandberg],” for purposes of pursuing commercial discussions on behalf of SilverHub.
17 Her duplicity and dishonesty is remarkable.

18 17. I have since come to learn that while Ms. Motamedi was meeting with me and
19 professing her “love” for me and Getty Images she was actually betraying us. On November 26,
20 2016, Ms. Motamedi and Mr. Evans-Lombe exchange emails wherein Ms. Motamedi admits
21 that, *during her time as a paid employee of Getty Images*, she purchased gifts for customers and
22 partners of Getty Images, for purposes of fostering goodwill with her personally, that could be
23 leveraged for the benefit of SilverHub Media. Attached as Exhibit 1 is a true and correct copy of
24 the email exchange, and the key language is highlighted here:

25 18. I know - and I like it!

26 19.

27 20. On 26/11/2016, 10:30, "Roxanne Motamedi"
 <roxanne.motamedi@gmail.com> wrote:

28 21.

 22. This why I sent all the gifts in October for
 Christmas from Getty:)

23.
24. Thank you,
25.
26. Roxanne A. Motamedi
27. M: 310.505.3220
28.
29. > On Nov 26, 2016, at 2:26 AM, Nick.Evans-Lombe
<nick.evans-lombe@silverhubmedia.com> wrote:
30. >
31. > Of course - remember the start up mantra!
32. >
33. > On 26/11/2016, 10:19, "Roxanne Motamedi"
<roxanne.motamedi@gmail.com> wrote:
34. >
35. > Nick,
36. > Before I left Getty, I managed to send all the
gifts to the major clients.
37. > Two of them were not send. Gian luca Passi from
Moncler and Andy Gelb.
38. > I would like to take care of Gian Luca as he is
in NY and Andy later in Dec.
39. > Just making sure you are ok with this.
40. > LMK
41. >
42. > Thank you,
43. >
44. > Roxanne A. Motamedi
45. > M: 310.505.3220

Attached as Exhibits 2 and 3 are true and correct copies of emails Ms. Motamedi exchanged with clients who thank her for the “beautiful” gifts she sent them at Getty Images’s expense. In her email to Ms.

17. Ms. Motamedi has continued to cultivate relationships with all of these customers of Getty Images since leaving. *See* Declaration of Craig Peters.

18. Our company policies are clear that all company resources are to be applied solely for the benefit of the Company. *See* Hatcher Decl. (Dkt (8)). I am deeply disappointed and appalled at Ms. Motamedi’s flagrant violation of these policies to use Company funds for the benefit of a third party competitor, SilverHub Media. There is no question but that this exchange mocks the duty she was under as a Vice President to apply Company resources prudently and effectively and reflects her total disregard for the Leadership Principles; indeed, it reflects the dishonesty and lack of integrity in her dealings with me and the Company.


1 19. I requested that all records be pulled of the gifts referenced in this email
2 exchange, and the expense reports support that Ms. Motamedi purchased and expensed to the
3 Company, gifts to these customers and business relations in the amount of more than \$5400.
4 This was all for the benefit of Mr. Evans-Lombe and Ms. Motamedi, not Getty Images.

5 ///
6 ///
7 ///

This section intentionally left blank

1 I declare under the penalty of perjury under the laws of the United States that the
2 foregoing is true and correct.

3
4 DATED this 9 day of January, 2017, at NYC, N.Y.

5
6 
7 Dawn Airey

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
DECLARATION OF DAWN AIREY - 8

SEBRIS BUSTO JAMES
14205 S.E. 36th Street, Suite 325
Bellevue, Washington 98006
Tel: (425) 454-4233 – Fax: (425) 453-9005